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Appeal Brief - Patents	09/680,583

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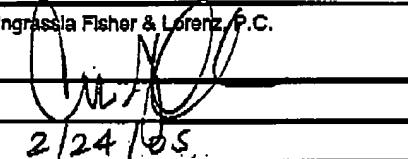
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Application Number	09/680,583
Filing Date	October 6, 2000
First Named Inventor	Mike G. GYDE
Art Unit	2179
Examiner Name	Nguyen, Nhon D.
Total Number of Pages in This Submission	17
Attorney Docket Number	H0001641-5505

ENCLOSURES (Check all that apply)

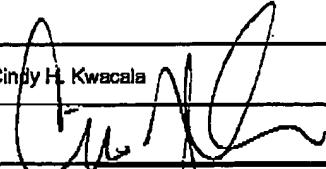
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Date	2/24/05

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FEB 24 2005

In re application of: Mike G. GYDE et al. Group Art Unit: 2179
Serial No.: 09/680,583 Examiner: Nguyen, Nhon D.
Filed: October 6, 2000 Confirmation No.: 1855

For: METHOD AND APPARATUS FOR AUTOMATIC DISPLAY AND
REMOVAL OF REQUIRED SYNOPTIC PAGES IN A CHECKLIST
CONTEXT

Attorney Docket No.: H0001641-5505

SUBMISSION OF APPELLANT APPEAL BRIEF

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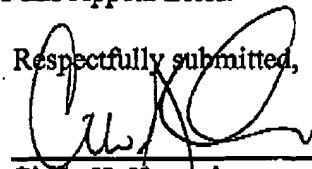
Sir:

Appellant hereby submits its Appeal Brief in response to the final rejection of the subject patent application.

The Commissioner is hereby authorized to charge Ingrassia, Fisher & Lorenz,
Deposit Account No. 50-2091, \$500 for the filing of this Appeal Brief.

Dated 2/24/05

Respectfully submitted,


Cindy H. Kwacala
Registration No. 47,667

Ingrassia, Fisher & Lorenz
Customer No. 29,906

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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In re application of: Mike G. GYDE et al. Group Art Unit: 2179

10 Serial No.: 09/680,583 Examiner: Nguyen, Nhon D.

Filed: October 6, 2000 Docket No.: H0001641--5505

15 For: METHOD AND APPARATUS FOR AUTOMATIC DISPLAY AND
REMOVAL OF REQUIRED SYNOPTIC PAGES IN A CHECKLIST
CONTEXT

20

APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37

25

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

30

Sir:

This is an Appeal Brief under 37 C.F.R. § 41.37 appealing the final rejection of
the Examiner dated October 14, 2004. Each of the topics required by 37 C.F.R. § 41.37
35 is presented in this Brief and is labeled appropriately.

I. Real Party in Interest

Honeywell International, Inc. ("Honeywell) is the real party in interest of the present application. An assignment of all rights in the present application to Honeywell was executed by the inventor and recorded by the U.S. Patent and Trademark Office at Reel 011441, Frame 0353.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which
10 Appellant is aware.

III. Status of Claims

Claims 1-17, which are presented in the Appendix, stand finally rejected.
15 Accordingly, the Appellant hereby appeals the final rejection of Claims 1-17.

IV. Status of Amendments

In response to a first Office Action dated March 28, 2003, Appellant amended
20 initially filed claims 1-11 and added new claims 12-17. A second non-final Office Action dated September 15, 2003, was issued, rejecting all of the pending claims (i.e. Claims 1-17). Appellant then filed a response to the second non-final Office Action in which claims 1-3, 7, 8, 12, and 14-17 were amended. A final Office Action was issued dated January 29, 2004 which rejected all of the claims. In response, Appellant filed a
25 response pursuant to 37 C.F.R. § 116, amending claims 1, 2, 7, 8, 12, and 14-17 and requesting reconsideration of the rejections in the Office action of January 29, 2004. Subsequently, an Advisory Action, dated March 19, 2004, was issued stating that the proposed amendments were not entered because they raised new issues that would require further consideration.

After Appellant filed a Request for Continued Examination under 37 C.F.R. § 114, the Examiner issued an Office Action on July 15, 2004 rejecting claims 1-17. In response, Appellant did not amend any claims. The Examiner issued a final Office Action on October 14, 2004 rejecting claims 1-17. Appellant submitted another after 5 final response without amending any claims. An Advisory Action subsequently issued on January 5, 2005 stating that the response did not place the application in condition for allowance.

10

V. Summary of Claimed Subject Matter

The present invention relates to methods of window management on a display 300. In one exemplary embodiment of the claimed invention, the display 300 has a plurality of windows (p. 7, l. 11 to p. 7, l. 20), wherein at least one window of the 15 plurality of windows includes at least one checklist selection frame having a layout and a list of available checklists (p. 8, l. 12 to p. 8, l. 15), and each of the available checklists has at least one task (p. 8, l. 16 to p. 8, l. 17). The method includes the steps of receiving a selection for a selected checklist from the list of available checklists 500 (p. 10, l. 14 to p. 10, l. 16), storing the layout of the at least one checklist selection frame from which the 20 selected checklist is selected 610 (p. 11, l. 15 to p. 11, l. 16), and opening and displaying a window containing a graphical overview of information related to the selected checklist 402, 614 (p. 11, l. 21 to p. 11, l. 22), wherein the graphical overview is not a checklist (p. 2, l. 22 to p. 2, l. 24).

In another exemplary embodiment of the claimed invention, the method of 25 window management is used on a display device 300 for a checklist containing a plurality of tasks (p. 8, l. 16 to p. 8, l. 17), where the display device 300 has a first display presented thereon and the first display having a frame layout having a first window therein (p. 7, l. 11 to p. 7, l. 20). The method includes the steps of listing at least one of the plurality of tasks in the checklist on the first display 502 (p. 10, l. 6 to p. 10, l. 7), 30 receiving a selection for a selected task of the listed at least one task 500 (p. 10, l. 4 to p.

10, l. 6), determining whether a synoptic window 402 containing a graphical overview of information that is associated with the task should be displayed 504 (p. 10, l. 9 to p. 10, l. 10), wherein the graphical overview is not a checklist (p. 2, l. 22 to p. 2, l. 24), and if so: (1) storing the frame layout of the first display in memory 1104, 610 (p. 11, l. 15 to p. 11, l. 16), (2) reducing the size of the first window to a reduced window and displaying the reduced window 612 (p. 11, l. 19 to p. 11, l. 21), (3) displaying the synoptic window 402 associated with the task while the reduced window is displayed 614 (p. 11, l. 21 to p. 11, l. 22), and (4) repeating the listing, determining, and displaying steps for each task of the plurality of tasks in the checklist 510 (p. 10, l. 24 to p. 10, l. 25).

10 In still another exemplary embodiment of the claimed invention, a program product is provided that includes instructions executable by a computer 1102 to display a user-selectable list of a plurality of checklists, each checklist having at least one user-selectable task (p. 8, l. 16 to p. 8, l. 17), wherein at least one task of the at least one user-selectable task is associated with a synoptic page 402 containing a graphical overview of information relating to the task (p. 11, l. 10 to p. 11, l. 11), wherein the graphical overview is not a checklist (p. 2, l. 22 to p. 2, l. 24), and wherein a determination whether the synoptic page 402 should be displayed is made 504 (p. 10, l. 9 to p. 10, l. 10), and if the synoptic page should be displayed, the synoptic page is automatically displayed 614, when the user selects said at least one task (p. 11, l. 21 to p. 11, l. 22) and signal-bearing media bearing the instructions.

15 In still yet another exemplary embodiment of the claimed invention, a method is provided for presenting a computerized checklist on a display 300. The method includes the steps of displaying a user-selectable checklist on the display 300, the checklist having a plurality of tasks to be selected 502 (p. 8, l. 16 to p. 8, l. 17 and p. 10, l. 6 to p. 10, l. 7), receiving an input indicating a selected task from the plurality of tasks to be selected 500 (p. 10, l. 4 to p. 10, l. 6), determining whether an associated graphical overview should be displayed, based on the selected task 504 (p. 10, l. 9 to p. 10, l. 10), wherein the graphical overview is not a checklist (p. 2, l. 22 to p. 2, l. 24), displaying the associated graphical overview, if the associated graphical overview should be displayed, and displaying the

selected task relating to the user-selected checklist, at least partially during displaying the associated graphical overview 614 (p. 11, l. 21 to p. 11, l. 22).

5

VI. Grounds of Rejection to be Reviewed on Appeal

The grounds of rejection to be reviewed in this appeal are as follows:

1. Claims 1-7, 12-14, and 16 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 5,454,074 (Hartel) in view of U.S. Patent No. 5,265,024 (Crabill).

10 2. Claims 8-11 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hartel in view of Crabill in further view of U.S. Patent No. 5,561,757 (Southgate).

15 3. Claims 15-17 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hartel in view of Crabill in further view of U.S. Patent No. 6,529,137 (Roe).

VII. Arguments

20 I. CLAIMS 1-7, 12-14, AND 16 ARE NOT UNPATENTABLE UNDER 35 U.S.C. § 103 OVER HARTEL IN VIEW OF CRABILL

In the final Office Action dated October 14, 2004, Claims 1-7, 12-14, and 16 were rejected under 35 U.S.C. § 103 as being unpatentable over Hartel in view of Crabill. As 25 will be explained in more detail herein below, this rejection is not tenable at least because elements recited in independent Claims 1, 12, and 14 are not found in any of the cited references.

30

A. Hartel

Hartel relates to an electronic checklist system 10 to provide a checklist interface unit 32 that allows the flight crew to access and execute both normal and non-normal checklists. Electronic checklist system 10 monitors whether a switch located on overhead switch panel 20 is in a certain state. See col. 4, ll. 44-60. If the switch is in the proper state, the checklist system 10 automatically notes completion of that step. See id. If the switch is not in the proper state, does not the checklist system 10 note completion of the checklist until the switch is put into the desired state. See id.

The checklist interface unit 32 allows the flight crew to access and execute the 10 normal and non-normal checklists. See col. 6, ll. 44-62. The checklist interface unit 32 includes a pointing device that can be used to activate checklist line items, command buttons, and page control buttons that are part of the checklists. See col. 8, ll. 29-63.

15 B. Crabill

Crabill discloses a system and process for the delivery of up-to-date weather information from ground to an aircraft. See abstract. The system includes a ground subsystem 2, a flight subsystem 13 and a communications satellite 15. Weather information is received by the ground subsystem 12 and is converted into appropriate 20 displays for ground display unit 20. See col. 4, ll. 49-67. Then the data is broadcast by a satellite to aircraft 14 as graphic depictions that are displayed on flight display screen 27 on command by the pilot through controls on control panel 28. See col. 5, ll. 5-20.

The weather is displayed on a display screen by unique map-type depictions that use symbols and colors that allow a pilot to distinguish between weather classification 25 levels. See col. 5, ll. 27-41. The weather classifications represent significant weather elements that may impact on airport operations to non-hazardous weather elements, to no weather. See id. The classifications are then used to create forecast depictions. See col. 6, ll. 21-29.

A legend is also available to be displayed on the display screen next to the map-type depiction or separately. See FIGs. 3-6, col. 5, ll. 37-41. The legend is provided to 30

allow the pilot to decode the symbols and colors that are displayed in the map-type depiction. See e.g. col. 5, ll. 27-41; col. 7, ll. 61-67.

C. Analysis

5 It is well settled that the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988). The Examiner has the burden of setting forth a detailed evidentiary basis for the teaching, suggestion or motivation to combine the cited references. As the Court of Appeals for the Federal Circuit recently reiterated, the factual inquiry of whether to combine
10 references must be thorough and searching, and must be based upon objective evidence of record. In re Sang Su Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, a claim cannot be found *prima facie* obvious unless all the elements of the claim are taught or suggested in the cited art. In re Rovka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974);
15 In re Wilson, 424 F.2d 1382, 1385 (C.C.P.A. 1970) ("All words in a claim must be considered in judging the patentability of that claim against the prior art."). Just because a prior art reference *can* be modified does not render the proposed modification obvious unless the prior art suggests the desirability of making the proposed modification. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Appellant submits that the
20 Examiner has not met his burden, since the references cited do not teach or suggest all of the claim elements.

In the final Office Action, the Examiner admits that Hartel "does not disclose the synoptic information is a graphical overview of information wherein the graphical overview is not a checklist." Final Office Action at page 3. Nonetheless, the Examiner alleges that Crabill discloses graphical overview of information when selecting on
25 different categories and that it would have been obvious to an artisan at the time of the invention to use the teachings of Crabill in Hartel since it would allow a user to control the system efficiently by observing the graphical overview of information.

In response, Appellant submits that, contrary to the Examiner's allegations, Crabill does *not* teach or suggest displaying a window containing *a graphical overview of information related to a selected checklist*, as recited in Claim 1, or the association of

a synoptic page, with at least one user-selectable task of a checklist, wherein the synoptic page contains a graphical overview of information relating to the task and the graphical overview is not a checklist, as recited in Claims 12 and 14.

Instead, Crabill teaches graphically displaying a map of weather-related
5 information having a plurality of symbols, and an associated legend for decoding the symbols, see FIGs. 3-6 and col. 5, ll. 27-41. Thus, even if the teachings of Crabill were combined with the teachings of Hartel, the combination would not yield a method or a device having the elements recited in Claims 1, 12, or 14. At best, the combination would suggest a method that includes the step of opening and displaying a window
10 containing a graphical information with various symbols, and an associated legend for decoding the symbols, or a program product that included instructions executable by a computer to display a window containing graphical information with various symbols, and an associated legend for decoding the symbols. These combinations clearly are *not* the same as the features recited in Claims 1, 12, and 14.

15 As shown above, the combination of Crabill and Hartel does not recite each and every element of at least independent Claims 1, 12, and 14. Thus, a *prima facie* case of obviousness has not been established. Accordingly, independent claims 1, 12, and 14 and the claims that depend therefrom are nonobvious. In re Fine, *supra*.

20

II. CLAIMS 8-11 ARE NOT UNPATENTABLE UNDER 35 U.S.C. § 103
OVER HARTEL IN VIEW OF CRABILL IN FURTHER VIEW OF
SOUTHGATE

25 The final Office Action dated October 14, 2004 also rejected Claims 8-11 under 35 U.S.C. § 103 as being unpatentable over Hartel in view of Crabill in further view of Southgate. As will be explained in more detail herein below, this rejection is not tenable at least because elements recited in independent Claim 8 are not found in any of the cited references.

30

A. Hartel

Hartel was described above, and will therefore not be described further.

5

B. Crabill

Crabill was described above, and will therefore not be described further.

10

C. Southgate

Southgate discloses a method and apparatus for managing the display of multiple windows in a computer user interface in an efficient manner. See abstract. Southgate further teaches using overlapping and/or tiled windows. See id.

D. Analysis

As was clearly shown above, the combination of Crabill and Hartel does not recite each and every element of at least independent Claim 8. Namely, neither Crabill nor Hartel teaches the synoptic information is a graphical overview of information wherein the graphical overview is not a checklist. Moreover, Southgate does not make up for the deficiencies of either Hartel or Crabill. Thus, a *prima facie* case of obviousness has not been established. Accordingly, independent claim 8 and the claims that depend therefrom are nonobvious. In re Fine, supra.

25

III. CLAIMS 15-17 ARE NOT UNPATENTABLE UNDER 35 U.S.C. § 103
OVER HARTEL IN VIEW OF CRABILL IN FURTHER VIEW OF ROE

The final Office Action of October 14, 2004, also rejected Claims 15 and 17 under 35 U.S.C. § 103 as being unpatentable over Hartel in view of Crabill in further view of Roe. As will be explained in more detail herein below, this rejection is not tenable for at least the same reason delineated above.

30

A. Hartel

Hartel was described above, and will therefore not be described further.

B. Crabill

5 Crabill was described above, and will therefore not be described further.

C. Roe

10 Roe relates to a method and apparatus for managing the display of multiple windows in a method and apparatus for displaying alarm information with four distinct windows: 1) alarm window, 2) alarm instruction window, 3) map display window and 4) alarm response window. See abstract.

D. Analysis

15 As was clearly shown above, the combination of Crabill and Hartel does not recite each and every element of at least independent Claim 12. Namely, neither Crabill nor Hartel teaches the synoptic information is a graphical overview of information wherein the graphical overview is not a checklist. Moreover, Roe does not make up for the deficiencies of either Hartel or Crabill. Thus, a *prima facie* case of obviousness has not been established. Accordingly, independent claim 12 and the claims that depend
20 therefrom are nonobvious. In re Fine, *supra*.

VIII. Conclusion

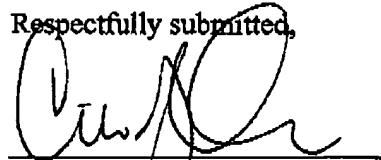
In view of the foregoing, Appellant submits that the final rejection of Claims 1-17 is improper and should not be sustained. Therefore, a reversal of the rejections in the final Office Action dated October 14, 2004 is respectfully requested.

5

10

Dated 2/24/05

Respectfully submitted,


Cindy H. Kwacala
Registration No. 47,667

Ingrassia, Fisher & Lorenz
Customer No. 29,906

APPENDIXClaims on Appeal

- 5 1. A method of window management on a display, the display having a plurality of windows, wherein at least one window of the plurality of windows includes at least one checklist selection frame having a layout and a list of available checklists, and each of the available checklists having at least one task, said method comprising the steps of:
 - 10 receiving a selection for a selected checklist from the list of available checklists; storing the layout of the at least one checklist selection frame from which the selected checklist is selected; and opening and displaying a window containing a graphical overview of information related to said selected checklist, wherein the graphical overview is not a checklist.
 - 15 2. The method of claim 1 wherein said step of opening and displaying a window containing said graphical overview further comprises opening and displaying a synoptic frame including a synoptic page.
 - 20 3. The method of claim 2, wherein said selected checklist comprises at least one task, further comprising the steps of:displaying the tasks of said selected checklist;receiving an indication of a selected task from said selected checklist;displaying in said synoptic frame a synoptic page associated with said selected task, at least partially while said selected task is displayed.
 - 25 4. The method of claim 3 further comprising the steps of:repeating said task selecting and synoptic page displaying steps for each task in said selected checklist; andrestoring the stored layout of the at least one checklist selection frame.

5. The method of claim 1 wherein said window comprises a FMS frame.

6. The method of claim 1 wherein said window comprises a navigational
5 frame.

7. The method of window management of claim 3 wherein said selected
checklist includes a plurality of tasks, said method comprising the steps of:

10 displaying at least one task of the plurality of tasks;
selecting a particular displayed task;
determining if a window containing a graphical overview of information that is
associated with said selected task should be displayed, wherein the graphical overview is
not a checklist; and
repeating said displaying and determining steps until the end of the checklist is
15 reached.

8. A method of window management on a display device for a checklist
containing a plurality of tasks, said display device having a first display presented
thereon, said first display having a frame layout having a first window therein, said
20 method comprising the steps of:

listing at least one of the plurality of tasks in the checklist on the first display;
receiving a selection for a selected task of the listed at least one task;
determining whether a synoptic window containing a graphical overview of
information that is associated with said task should be displayed, wherein the graphical
25 overview is not a checklist, and if so:
storing the frame layout of the first display in memory;
reducing the size of the first window to a reduced window and displaying
the reduced window;
displaying the synoptic window associated with said task while the
30 reduced window is displayed; and

repeating said listing, determining, and displaying steps for each said task of the plurality of tasks in the checklist.

9. The method of claim 8 further comprising the steps of:
5 determining that an end of the checklist has been reached;
determining that the frame layout is stored in memory; and
restoring said stored frame layout to said display.

10. The method of claim 8, wherein said first synoptic window has a plurality
10 of pages including a first page having a page layout, the method further comprising the steps of:

determining that a second page associated with said first synoptic window is
needed for a particular task; and
displaying said second page.

15 11. The method of claim 10 further comprising the step of:
storing the first page layout prior to said second page displaying step.

12. A program product comprising:
20 instructions executable by a computer to display a user-selectable list of a plurality of checklists, each checklist having at least one user-selectable task, wherein at least one task of the at least one user-selectable task is associated with a synoptic page containing a graphical overview of information relating to said task, wherein the graphical overview is not a checklist, and wherein a determination whether the synoptic
25 page should be displayed is made, and if said synoptic page should be displayed, said synoptic page is automatically displayed, when the user selects said at least one task; and signal-bearing media bearing the instructions.

13. The program product of claim 12, further comprising a synoptic page associated with at least one said user-selectable checklist, said synoptic page displayed when said at least one user-selectable checklist is selected.

5 14. A method of presenting a computerized checklist on a display, the method comprising the steps of:

displaying a user-selectable checklist on the display, the checklist having a plurality of tasks to be selected;

10 receiving an input indicating a selected task from the plurality of tasks to be selected;

determining whether an associated graphical overview should be displayed, based on the selected task, wherein the graphical overview is not a checklist;

displaying the associated graphical overview, if the associated graphical overview should be displayed; and

15 displaying the selected task relating to said user-selected checklist, at least partially during displaying the associated graphical overview.

16. The method of claim 14, wherein displaying the associated graphical overview includes the step of displaying a diagram.

20

16. The method of claim 14, further comprising the step of:
a graphical overview relating to the selected task.

25

17. The method of claim 16, wherein displaying the associated graphical overview includes the step of displaying a diagram.